

THE CODE OF CRIMINAL PROCEDURE (TEMPORARY PROVISIONS) ACT, 1954.

[Act No. VII of 1954.]

It is hereby enacted as follows :—

1. (1) This Act may be called the Code of Criminal Procedure (Temporary Provisions) Act, 1954.

(2) It shall remain in force until the President of the Union by notification declares that it shall cease to be operative; and when it so ceases by virtue of any such notification, the provisions of section 5A of the Burma General Clauses Act shall not have any effect.

2. Section 497 of the Code of Criminal Procedure, hereinafter referred to as "the Code," shall have effect as if for sub-section (1) thereof the following were substituted, namely :—

"(1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer-in-charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life, or of any of the offences mentioned below—

- (i) (a) offences under Chapters VI, VII and XII of the Penal Code, punishable with imprisonment for a term which may extend to not less than seven years ;
- (b) offences under sections 363 to 373, both inclusive, section 376, sections 392 to 402, both inclusive, section 409, sections 489A, 489B, 489C and 489D, of the Penal Code ;
- (ii) offences under section 5 of the Control of Imports and Exports (Temporary) Act, 1947 ;
- (iii) offences under section 6 (1) of the Public Property Protection Act, 1947 ;
- (iv) offences under section 4 (2) of the Suppression of Corruption Act, 1948 ;
- (v) offences under section 2 of the Arms (Emergency Punishment) (Temporary) Act, 1949 ;
- (vi) offences under section 19A of the Arms Act ;
- (vii) offences under the Emergency Provisions Act, 1950 :

Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail."

3. Section 498 of the Code shall have effect as if for sub-section (1) thereof the following were substituted, namely :—

"(1) The High Court or Court of Session may in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, unless there are reasonable grounds for believing that the accused has been guilty of an offence under section 122 of the Penal Code or of any of the offences mentioned in clauses (i) to (vii) of sub-section (1) of section 497, or direct that the bail required by a police officer or Magistrate be reduced."

4. The Code of Criminal Procedure (Temporary Provisions) Act, 1953, is hereby repealed.

Price.—10 pyas]

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